## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:07ev177

UNITED STATES OF AMERICA,	)
Plaintiff,	) )
Vs.	ORDER
WINCHESTER .22 CALIBER RIFLE, MODEL 290, et al.,	) ) )
Defendants.	) ) )

THIS MATTER is before the court on the court's Motion for Case Status. On November 2, 2007, plaintiff attempted to file a "Certificate of Service" (#3); however, such document was ineffectual inasmuch as the appropriate method for proving service of the Complaint (as opposed to other pleadings) is by an Affidavit of Service. See Fed.R.Civ.P. 4(l)(1). The Clerk so advised the United States of America of such error, and instructed that the "[f]iler needs to refiled with the correct event Affidavit of Service." The United States of America has not heeded the court's instruction within 90 days. Having considered the court's motion and reviewed the pleadings, the court enters the following Order.

## **ORDER**

IT IS, THEREFORE, ORDERED that the court's Motion for Case Status is **GRANTED**, and the United States of America shall by the close of business on February 22, 2008, either file a Rule 4(1) affidavit of service (accompanied by appropriate exhibits) or SHOW CAUSE why this action should not be dismissed.

In the event proper proof of service is made, the United States of America shall take whatever next steps that are required to bring this proceeding to a speedy conclusion.

Signed: February 12, 2008

Dennis L. Howell

United States Magistrate Judge